

April 4, 1975

with the amendment that was placed on it in committee which makes it on a complaint basis. I think certainly if any citizen in the state of Nebraska feels that there are harmful toys on the...toy being disseminated in the state of Nebraska, that some state agency have the power to intervene on their behalf. And that's the purpose for the bill. It would have no fiscal impact and the Department of Health could administer it with their current staff and resources. I urge you to advance the bill.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Question of Senator Cavanaugh before he sits down. Senator Cavanaugh, I was wondering if this bill goes far enough. I think it's a good bill but do you remember here, not too long ago, the case where we had the Vietnamese dolls that were exploding? Toys, souvenirs, flammable. They were actually exploding, they were booby trapped. Would this prohibit somebody like the Fire Marshal's Office, which I was a part of and which investigated a lot of these complaints. Would this prohibit from working with the Department of Health to.....

SENATOR CAVANAUGH: It seems to me, if I recall, there is some legislation in that area for flammable materials of any kind that are on the market. Isn't there?

SENATOR BARNETT: But this was a booby trapped type of toys. It wasn't always the flammable type. I am wondering if... on section 3, it's the duty of the Health Department but would you read it into to say that there is anything that would prohibit them from working with that other state agency if something in their area comes up.

SENATOR CAVANAUGH: Certainly not and subdivision 4 of subsection 2 says."prohibits toys stuffed, padded or lined with materials which are toxic or which would otherwise be hazardous if ingested."

SENATOR BARNETT: I agree but I say the Health Department, I doubt, knows too much about dynamite. This is why, if it doesn't prohibit them, I think it's great but if it does, I think we ought to say it should work in coordination with them.

SENATOR CAVANAUGH: The law enforcement, I would expect, the investigation would be inquired initially under the Department of Health. I would assume if they thought it a fire problem that they would refer it to the Fire Marshal. If there was a violation, I assume, they would refer it to a county attorney or an attorney general.

PRESIDENT: Senator Clark.

SENATOR CLARK: I'd like to ask Senator Cavanaugh a question. Really, to me, in this particular state, this is against retailers. Because it says in here that "you cannot offer for sale or hold or possess for sale anything that has soluble compounds of antimony, arsenic, cadmium, mercury, collodion, or barium."